IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 59 OF 2005.

Ramanand Dessai,
presently in Judicial Custody,
Sada-Vasco,
through next friend
Sadanand Dessai. .... Applicant.

Versus

State,
Through Public Prosecutor. .... Respondent.

Shri Arun Bras de Sa, Advocate for the Applicant.

Shri S.N. Sardessai, Public Prosecutor for the Respondent.

CORAM: N. A. BRITTO, J.

DATE: 15th APRIL, 2005.

ORAL ORDER:

Heard Shri Arun Bras de Sa, learned Advocate on behalf of the applicant and Shri S.N. Sardessai, learned Public Prosecutor on behalf of the respondent.

2. This application for bail has been filed on behalf of accused No.1 in Crime No. 12/05 of Cuncolim Police Station. The said accused No.1 was arrested on 24.2.05 and since then has been in custody. The said accused

approached the Court of Sessions for bail, twice. First time his bail application was rejected by Order dated 1.3.05 and for the second time by Order dated 31.3.05. It appears that upon information that A.1 Ramanand Desai and A.2 Uday Bhan were to come near Cuncolim Municipal Council building to supply counterfeit notes, a raid was organized and in the said raid A.1 Ramanand was found with Rs.29,300/- in denomination of Rs.100/- counterfeit notes and A.2 Uday Bhan was found with Rs.9,400/- in denomination of Rs.100/- counterfeit notes. Initially the crime was registered under S.489-C of I.P.C., but upon further inquiry it transpired that A.1 Ramanand Dessai had counterfeited the said notes along with A.2 Uday Bhan in the house of A.3 Manoj Naik and therefore had also committed offences under Sections 489-A, 489-B and 489-E I.P.C.

3. As already stated, A.1 Ramanand Dessai has been in custody from 24.2.05. The bail applications filed on his behalf earlier were rejected by the learned Sessions Judge, essentially because the investigations were in progress. The investigations, since then, must have certainly come to a close, if not completed.

4. Shri Sardessai, the learned P.P. has submitted that the present accused be not admitted to bail as he is involved in serious offences and

in the event he is released on bail he is bound to interfere with the witnesses who are stated to be from the said village Cuncolim. Although a final opinion whether the notes found with the said accused are counterfeit or not, has not been received so far, the fact remains that the present accused is involved in a serious offence. There is no doubt that counterfeiters are pests in the society and their acts can affect the economic activity of the country. However, in my opinion upon close of investigation, the present accused cannot be denied bail for the simple reason that although the offences alleged against him are serious, they are not those which fall under clause (i) or clause (ii) of Section 437(i) of the Code of Criminal Procedure, 1973. As far as the allegation of tampering of witnesses is concerned, the allegation, to my mind, appears to be more imaginary than real and in any event, the same could be taken care of by imposing stringent conditions in the order granting bail to the applicant/accused No.1 Ramanand Dessai.

5. In my view, the applicant would be entitled to be admitted to bail at this stage. He shall be released upon execution of a Bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned Sessions Judge, Margao and with further condition that until the filing of the charge sheet, the applicant / accused No.1 shall report to the Investigation Officer once a week, preferably on

Sundays and shall not directly or indirectly, through his friends or relatives, interfere with the witnesses.

6. Order accordingly.

Expedite authenticated copy.

N. A. BRITTO, J.

sl.